

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE:)	
)	
TRILOGY DEVELOPMENT COMPANY,)	
LLC, a Nevada limited liability company,)	Case No. 09-42219-drd
)	Chapter 11
Debtor In Possession.)	

**E & K OF KANSAS CITY, INC.'S NOTICE OF CONTINUED
PERFECTION PURSUANT TO 11 U.S.C. § 546(b)(2)**

COMES NOW E & K of Kansas City, Inc. ("E&K"), by and through counsel, and hereby submits its Notice of Continued Perfection Pursuant to 11 U.S.C. § 546(b)(2). In support of this Notice, E&K states and alleges as follows:

1. E&K is a creditor of the Debtor Trilogy Development Company, LLC, formerly known as Fossil Properties, LLC (the "Debtor") by virtue of a Statement of Mechanic's Lien (the "Mechanic's Lien") filed of record on August 10, 2009, with respect to a project commonly known as The West Edge Project located at 911 West 48th Street, Kansas City, Missouri, and legally described to-wit:

Lot 1, THE WEST EDGE, a subdivision in Kansas City,
Jackson County, Missouri.

2. Debtor is the owner of The West Edge Project.

3. Under the laws of the State of Missouri, E&K has a valid perfected Mechanic's Lien on the real property described in Paragraph 1 hereof (the "Property"). E&K must ordinarily commence an action to foreclose the Mechanic's Lien in said Property within six months after the Mechanic's Lien is filed. Thus, a suit to enforce the Mechanic's Lien must ordinarily be commenced by February 9, 2010.

4. The Debtor is a necessary party to the litigation required under Missouri law in order for E&K to foreclose the Mechanic's Lien against the Property. However, the automatic stay provisions of § 362(a) of the Bankruptcy Code applicable to the Debtor currently prevent E&K from commencing such an action. As a result, E&K submits this Notice of Continued Perfection Pursuant to 11 U.S.C. § 546(b)(2) and hereby declares that its Mechanic's Lien against the Property, as more fully described in Paragraph 1 hereof, continues to be perfected, and will continue to exist and be perfected after February 9, 2010.

Dated this 8th day of September, 2009.

Respectfully Submitted,
SPENCER FANE BRITT & BROWNE LLP

/s/ Eric L. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2009, a true and correct copy of the above and foregoing was sent electronically to all parties requesting electronic notice.

/s/ Eric L. Johnson

An Attorney for E & K of Kansas City, Inc.